



~~November 16, 2000 CPC~~
~~January 16, 2001 CPC~~
~~March 20, 2001 CPC~~
~~June 19, 2001 CPC~~
~~September 18, 2001 CPC~~
~~December 18, 2001 CPC~~
~~March 19, 2002 CPC~~
~~June 18, 2002 CPC~~
~~October 15, 2002 CPC~~
~~November 26, 2002 BS~~
~~December 18, 2002 BS~~
February 26, 2003 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

01SN0121
(Amended)

Chesterfield County Board of Supervisors and Dankos Family Trust

Clover Hill Magisterial District
North line of Hull Street Road

REQUEST: (AMENDED) Rezoning from Agricultural (A) to Corporate Office (O-2) and Neighborhood Business (C-2) with Conditional Use Planned Development on these tracts plus an existing zoned Neighborhood Business (C-2) tract to permit exceptions to Ordinance requirements and an existing Agricultural (A) tract. Further, an amendment to Conditional Use Planned Development (Case 83S182) on an existing zoned Neighborhood Business (C-2) tract relative to design, architecture, signage and access.

PROPOSED LAND USE:

A mixed use development to include office and commercial uses is planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE IMPOSITION OF THE CONDITIONS AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 16.

AYES. MESSRS. GECKER, CUNNINGHAM, GULLEY AND STACK.
NAY: MR. LITTON.

Providing a FIRST CHOICE Community Through Excellence in Public Service.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land uses conform to the Upper Swift Creek Plan which suggests the property is appropriate for a mixture of community scale corporate office, commercial and residential uses. Further, the proposed zoning and proffered conditions assure proper land use transition in accordance with the recommendations of the Plan.
- B. The proposed amendments to Case 83S0182 promote development that is both coordinated and compatible with the proposed adjacent rezoning to the east.
- C. The proposed zoning and land uses are representative of, and compatible with, existing area commercial and residential development.

- (NOTES: A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.
- B. PROPERTY KNOWN AS TAX IDS 725-672-PART OF 1175 AND 726-672-PART OF 1039 WILL HEREAFTER BE REFERRED TO AS THE "**BOTTOMS PROPERTY**". PROPERTY KNOWN AS TAX ID 724-672-PART OF 9216 WILL HEREAFTER BE REFERRED TO AS THE "**DANKOS PROPERTY**". BOTH PROPERTIES ARE IDENTIFIED ON THE ATTACHED MASTER PLAN.)

CONDITIONS: BOTTOMS PROPERTY

A. Commercial, Office and Agricultural Tracts:

- (STAFF/CPC)
- 1. Sidewalks. Within the commercial and office tracts, sidewalks shall be provided on both sides of Temie Lee Parkway and throughout the project to connect the individual commercial and office developments to the Temie Lee Parkway sidewalk system. Further, within the Agricultural Tract, sidewalks shall be provided on both sides of Temie Lee Parkway and the extension of St. Elizabeth Drive. The exact location and design of sidewalks shall be approved at the time of site plan review. Prior to, or in conjunction with the first site plan

submission, an overall conceptual plan for the sidewalk system shall be submitted for approval. (P)

- (STAFF/CPC) 2. BMP Design. Any above ground facilities required for water quantity or quality control shall be designed as wet ponds and shall be landscaped or otherwise improved so that the facilities become visual enhancements to, and amenities for, the project. At the time of plan review, a plan depicting this requirement shall be submitted for review and approval. (EE & P)

- (STAFF/CPC) 3. BMPs.
- a. Unless modified by the Planning Commission at the time of Site Plan review, the requirements stated herein shall be complied with. A single BMP, located in the general vicinity of Tracts K and M, shall be designed and constructed to accommodate runoff from the property and Clover Hill High School. The construction of the BMP may be phased upon approval of a phasing plan by the Environmental Engineering Department. All drainage except that which drains to 724-672-9216 (commonly known as Aunt Sarah's) and that which drains from the northern portion of Tract L shall be directed through this BMP. At a minimum, the BMP shall be fenced so as to only allow access from Tax ID 726-673-1225 (Clover Hill High School) and shall be designed with both safety and aquatic benches. The design of the fence, safety bench and aquatic bench shall be approved by the Planning and Environmental Engineering Departments. If the BMP has not been designed and constructed at such time that it is needed to accommodate runoff from Tax ID 726-673-1225 (Clover Hill High School), the owner/developer shall dedicate any easements necessary to accommodate construction of such BMP. (P & EE)
 - b. The following easements shall be dedicated to and for the benefit of Chesterfield County, in a form acceptable to the County:
 - (1.) A fifty (50) foot easement, north of the SWM/BMP, from the northern boundary of the SWM/BMP north for the remaining length of the eastern Property line. Except where necessary to accommodate utility extensions, there shall be no clearing or grading within this easement. If clearing or grading is necessary to accommodate utility extensions, measures shall be taken to minimize the amount of

tree removal within the easement. A minimum of one (1) week prior to clearing, the owner/developer shall flag the limits of clearing for inspection by the Planning, Utilities and Environmental Engineering Departments as well as the Clover Hill District Planning Commissioner. A minimum of forty-eight (48) hours prior to any clearing activity within this fifty (50) foot easement for the purpose of extending utilities to the property, the owner/developer shall notify the Utilities, Environmental Engineering and Planning Departments and the Clover Hill District Planning Commissioner of such proposed clearing. An inspector from each of these County departments and the Clover Hill District Planning Commissioner shall be on-site during this clearing process. Subsequent to such clearing, silt fencing shall be installed in as determined appropriate by the Environmental Engineering Department. (S, U, EE & P)

- (2.) An easement around the SWM/BMP, of a width necessary to accommodate pedestrian circulation for use by authorized personnel. This easement may be located within the boundaries of the BMP easement normally required by the Environmental Engineering Department. The easement shall be located within the fenced area described in Condition A.3.a. The easement shall be posted with a sign stating: "No Trespassing-For Authorized Personnel Only." (S)

(NOTE: The purpose of Condition 3.b. is to provide a water quality teaching area north of the SWM/BMP and an easement around the SWM/BMP. It is the intent that the SWM/BMP and the area north of the SWM/BMP be used by several schools for the purpose of studying water quality monitoring techniques in the SWM/BMP and the outflow into the creek, north of the SWM/BMP, leading to the Swift Creek Reservoir. It is also the intent that the area be used to study the benefits of providing tree-save areas as riparian corridors adjacent to creeks. However, the area could be used for other purposes as may be determined by the County in the future, subject to Substantial Accord Approval)

(STAFF/CPC)

4. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental

Engineering Department and the approved devices have been installed. Further, in each office tract, there shall be no clearing, grading or timbering until final site plans have been approved for each tract. In the agricultural area, there shall be no clearing, grading or timbering until road plan approval by the County and that such clearing, grading or timbering shall be limited to roads only. Provided, however, that clearing, grading or timbering may occur outside the boundaries of any individual site plan within the office tracts or agricultural tracts for the purpose of extending utilities to the property, subject to the requirements of Condition A.3.b(1) (EE)

- (STAFF/CPC) 5. Driveway Expansion for Clover Hill High School. Prior to any final site plan approval, or within sixty (60) days of a written request by the County, whichever occurs first, land and/or easement up to twenty-five (25) feet in width up to a distance of 400 feet from the north side of the ultimate right of way of Hull Street Road along the eastern boundary of the Property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (S)
- (STAFF/CPC) 6. Access to Clover Hill High School. The developer shall be responsible for constructing and dedicating any easements or right of way for a combined pedestrian and two-lane driveway or road connections to Tax ID 726-673-1225 (commonly known as Clover Hill High School). The exact location and treatment of this connection shall be determined at the time of site plan review for Tracts G, I or K provided, however, that such connection shall generally be located in the vicinity of Tract K. If the pedestrian and driveway/road connection has not been designed and constructed at such time that it is needed by the County to accommodate pedestrian and vehicular traffic, the owner/developer shall dedicate any easements and/or right of way necessary to accommodate the construction of such pedestrian and driveway connection/road. (S)
- (STAFF/CPC) 7. Right of Way Dedication. Prior to any final site plan approval, or within sixty (60) days from a written request by the County, whichever occurs first, 100 feet of right-of-way on the north side of Hull Street Road (Route 360), measured from the centerline of that part of Route 360, immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
- (STAFF/CPC) 8. Access to Route 360. No direct access shall be provided from the property to Route 360. (T)
- (STAFF/CPC) 9. Special Access Street. Prior to any site plan approval, or within sixty (60) days from a written request by the County, whichever occurs

first, a fifty (50) foot wide right-of-way for a special access street (the "Special Access Street") shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County from Temie Lee Parkway to the western property line, as generally shown on the Master Plan. The exact location of this right-of-way shall be approved by the Transportation Department. At the time of site plan review, the Transportation Department may modify this condition to allow an access easement, acceptable to the Transportation Department, to be recorded in lieu of dedicating the right-of-way for the Special Access Street. (T)

(STAFF/CPC)

10. Road Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following:
 - a. Construction of additional pavement along the westbound lanes of Route 360 at the existing access located just east of the Temie Lee Parkway intersection to provide a separate right turn lane;
 - b. Construction of additional pavement along the eastbound lanes of Route 360 at the Temie Lee Parkway/Route 360 intersection to provide dual left turn lanes. The exact length of this road improvement shall be approved by the Transportation Department;
 - c. Construction of Temie Lee Parkway as a 2-lane roadway from the Special Access Street, north, through the property. The exact length of this road improvement shall be approved by the Transportation Department;
 - d. Construction of additional pavement along Temie Lee Parkway from Route 360 to the Special Access Street to provide a five (5) lane typical section (three (3) southbound lanes and two (2) northbound lanes). The exact design and length of this road improvement shall be approved by Transportation Department;
 - e. Full cost for the installation of a traffic signal or traffic signal modification, as determined by the Transportation Department, at the intersection of Temie Lee Parkway/North Spring Run Road/Route 360 intersection, if warranted, as determined by the Transportation Department;
 - f. Construction of a two (2) lane road for the Special Access Street from Temie Lee Parkway to the western property line of the Property; and
 - g. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvement identified above.
- (T)

- (STAFF/CPC) 11. Road Improvement Phasing. Prior to any site plan approval, a phasing plan for required road improvements, as identified in Condition 10, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require the construction of the Special Access Street, as identified in Condition 10.f., in conjunction with the initial development on the property. (T)
- (STAFF/CPC) 12. Master Plan. The Plan prepared by Balzer and Associates last revised May 31, 2002, shall be considered the Master Plan with respect to the general location of uses, roads and BMP locations. Tracts may be combined provided however, that those tracts with specific use limitations (i.e., alcohol sales and fast food uses) shall not be combined with other tracts which do not permit those uses. Those tracts with specific use limitations may be increased or decreased in size by a maximum of ten (10) percent. (P)

B. Commercial and Office Tracts:

- (STAFF/CPC) 1. Architecture.
- a. All buildings shall be compatible in architectural style, colors and materials to the building approved on Tax ID 725-672-9524 and 8118 (commonly known as Walgreens) and as further delineated below. At the time of site plan review, the Planning Commission may modify these requirements provided that the alternative materials, roof line(s), and colors accomplish the intent of the condition. (P)
- (1.) The primary building material shall be brick, not to exceed a size of four (4) inches by four (4) inches by twelve (12) inches. The brick shall be integrally colored. The primary color(s) of each building shall be earthtones, such as browns and tans, substantially similar to those on Tax ID 734-678-9416, 734-677-4677, 735-677-4379 and 8835 (commonly known as the Commonwealth Center Phase 1). No exposed concrete masonry units (CMU) shall be permitted. Mortar shall be similar in color to the brick color. Any accent colors shall be the same or substantially similar to those used on Tax ID 725-672- 9524 and 8118 (commonly known as Walgreens) to create a tone on tone effect. Should glass be a predominant construction material, other than typical window treatments and doors in all or part of a building, it shall be tinted, similar to that utilized in the building

located on Tax ID 728-673-4668 (First Virginia Bank). (P)

- (2.) All visible rooflines shall be similar to the pitch of the roofline used on Tax ID 744-697-4324 (Shops at Lucks Lane), except for roof lines on Tract A which shall have no less a pitch than the roofline used on Tax ID 744-697-4324 (Shops at Lucks Lane) and no greater than the roofline used on Tax ID 732-707-4947 (commonly known as Walgreen's at Midlothian Turnpike and Temie Lee Parkway). All visible roofs shall be standing seam metal and shall be generally the same shade of gray in color. (P)

- b. Loading Areas and Building Treatment Along Temie Lee Parkway. All buildings located on tracts adjacent to Temie Lee Parkway shall not have loading areas located between the building and Temie Lee Parkway. Further, all sides of any such buildings shall employ the same architectural treatment, color and materials. At the time of site plan review, the Planning Commission may modify these requirements provided that the location and design of the loading areas do not adversely affect adjacent properties or views from roads and that alternative architectural treatment(s), color(s) and material(s) accomplish the intent of the condition. (P)
- c. Drive-in Windows and Gasoline Canopies. With the exception of a convenience store with gasoline sales in Tract A, drive-thru or gasoline canopies shall be architecturally incorporated into the building which they serve. Drive-in window(s) shall not be located between any building and Hull Street Road or Temie Lee Parkway unless such window(s) are architecturally incorporated into the building with a wall constructed of the same materials as the building and similar in design to the drive-in window located on Tax ID 732-707-0188 (McDonald's at Midlothian). At the time of site plan review, the Planning Commission may modify this condition if it is determined that an alternative design accomplishes the spirit and intent of the requirements specified herein. (P)

(STAFF/CPC)

2. Parking and Drives Setbacks.

- a. All parking and driveways shall be located no closer to Route 360 or Temie Lee Parkway than the building which it serves unless measures such as landscaping, grading or other design features are employed to minimize the visibility of parking

areas from such roads. If landscape measures are employed, at a minimum, they shall consist of evergreen shrubs of at least two (2) feet in height at the time of planting and spaced to create a continuous hedgerow at maturity. Such hedgerow shall be installed between the roads (Temie Lee Parkway and Route 360) and the parking areas, planted adjacent to those parking areas. These shrubs shall be in addition to required perimeter landscaping requirements outlined in Condition B.2.b.. (P)

- b. With the exception of Tract A, the minimum fifty (50) foot setback requirement of the Zoning Ordinance from Route 360 shall be measured from the ultimate right of way of Route 360. Specifically, the reductions outlined in Section 19-505(e) shall not be permitted, except in Tract A. The required landscaping within this setback shall be 2.0 times Perimeter Landscaping C, as defined in the Zoning Ordinance. (P)

(STAFF/CPC)

- 3. Lighting. With the exception of lighting for any convenience store with gasoline sales on Tract A, in commercially-zoned tracts, freestanding parking lot lights shall not exceed twenty (20) feet in height, shall have a shoebox design consistent within the commercial tracts and shall produce lumens consistent with any freestanding lights located on Tax ID 725-672-9524 and 8118 (commonly known as Walgreens). In the office-zoned tracts, freestanding parking lot lights shall not exceed twelve (12) feet in height, shall have a shoebox design that is consistent within the office tracts and shall be sodium vapor unless, at the time of site plan review, the Planning Commission approves an alternative to the sodium vapor lighting which will not adversely affect adjacent properties. (P)

(STAFF/CPC)

- 4. Street Trees. Along Temie Lee Parkway, street trees shall be planted. Such trees shall be large deciduous trees, as defined in the Zoning Ordinance, and shall be of the same species. The trees shall be planted between the road and the sidewalk, spaced uniformly, and there shall be one tree planted every forty (40) lineal feet. This requirement is in addition to perimeter landscaping requirements of the Zoning Ordinance. (P)

(STAFF/CPC)

- 5. Buffer. A fifty (50) foot buffer, inclusive of the twenty-five (25) foot dedication referenced in Proffered Condition A.5 and encroachment of the SWM/BMP shown on the Master Plan, shall be provided adjacent to Tax ID 726-673-1225 (Clover Hill High School). The exact treatment of this buffer shall be determined by the Planning Commission at the time of site plan review and approval for any development affected by the location of this buffer. (P)

(Note: Based upon the advice of the County Attorney, Condition B.6. has been modified subsequent to the Commission's consideration of this request. Should the Board wish to approve this request, it would be appropriate to impose Condition B.6., as modified and noted as recommended by "Staff".)

(CPC) 6. Waivers. Development shall conform to Zoning Ordinance requirements for office and commercial districts located in Emerging Growth District Areas with the exception of setbacks along Temie Lee Parkway which may be reduced as necessitated to either accommodate the new alignment and associated improvements along Temie Lee Parkway or to permit the construction of patios for outdoor cafe use. The exact amount of such setback reduction shall be determined by the Planning Commission at the time of site plan review. Except as stated herein, no variance or development standards waivers shall alter this requirement. (P)

(STAFF) 6. Waivers. Development shall conform to Zoning Ordinance requirements for office and commercial districts located in Emerging Growth District Areas with the exception of setbacks along Temie Lee Parkway which may be reduced as necessitated to either accommodate the new alignment and associated improvements along Temie Lee Parkway or to permit the construction of patios for outdoor café use. The exact amount of such setback reduction shall be determined by the Planning Commission at the time of site plan review. To the extent permitted by the County Code and the Code of Virginia, no variance or development standards waivers shall alter this requirement. (P)

(STAFF/CPC) 7. Extension of Temie Lee Parkway and St. Elizabeth Drive. Building permits for more than 50,000 gross square feet shall not be issued until Temie Lee Parkway and St. Elizabeth Drive Extended are constructed to accommodate traffic movements between Southshore Drive through the Property to Hull Street Road. (P)

(STAFF/CPC) 8. Utilities. The public water and wastewater system shall be used.

C. Commercial Tracts:

(STAFF/CPC) 1. Building and Individual Business Size.

- a. Individual buildings shall not exceed 15,500 gross square feet unless such building is designed to incorporate a variety of off-sets, other architectural variations or other features so as to avoid monotonous facades and bulky masses. (P)
- b. Individual businesses shall not exceed 15,500 gross square feet. (P)

- (STAFF/CPC) 2. Building Height. Buildings shall be limited to a height of two (2) stories or thirty (30) feet, whichever is less. (P)
- (STAFF/CPC) 3. Phasing of Commercial Development. Prior to the issuance of any certificate of occupancy for any Convenience Business (C-1), Neighborhood Business (C-2) or fast food uses in excess of a cumulative total of 50,000 gross square feet, at a minimum, temporary certificates of occupancy shall have been granted on both Tracts J and K. (P)
- (STAFF/CPC) 4. Hours. Except for a convenience store on Tract A and restaurants, no use shall be open to the public between the hours of 10:00 p.m. and 7:00 a.m. No restaurant use shall be open to the public between the hours of 11:00 p.m. and 6:00 a.m. Sunday through Thursday 12:00 midnight and 6:00 a.m. on Fridays and Saturdays, except that any restaurant on Tract C shall not be open to the public between the hours of 11:00 p.m. and 6:00 a.m. Any convenience store located on Tract A may be open 24 hours a day to the public.
- (STAFF/CPC) 5. a. Use Prohibitions. The following uses shall not be permitted east of Temie Lee Parkway:
- (1) Alcohol sales, except that alcohol sales shall be permitted on Tract E.
- (2) Gasoline sales.
- b. Use Limitations: Tract C shall be limited to the uses permitted by right or with restrictions in the Convenience Business (C-1) District. (P)
- (STAFF/CPC) 6. Fast Food Restaurant. Any fast food restaurant shall be located on Tract B. (P)
- (STAFF/CPC) 7. Freestanding Signs. All freestanding signs shall be of a monument style. The shape of these signs faces shall not be a uniform rectangle or square, but rather shall have a shape similar to the sign faces for the outparcels located within Harbour Pointe Shopping Center. The base/structure of each sign shall be constructed of the same materials and colors as the building which it advertises. (P)

D. Office Tracts:

- (STAFF/CPC) 1. Building Height.
- a. Within Tract K, buildings shall be limited to a height of one (1) story, or twenty-four (24) feet, whichever is less, if located within 100 feet of any residential district, excluding Tax ID 726-673-1225 (Clover Hill High School). All other buildings in this tract shall be limited to a height of two (2) stories or thirty (30) feet, whichever is less. (P)
 - b. Within Tract J, buildings shall be limited to a height of one (1) story, or twenty-four (24) feet, whichever is less, unless modified by the Planning Commission at the time of site plan review, based upon a determination that an increased height will not adversely affect area residential properties. In no case shall the height of buildings within this tract exceed two (2) stories or thirty (30) feet, whichever is less. (P)
- (STAFF/CPC) 2. Building Mounted Lighting. There shall be no exterior building mounted lighting within 100 feet of any residentially zoned property excluding Tax ID 726-673-1225 (Clover Hill High School). (P)

E. Agricultural Tract:

- (STAFF/CPC) 1. Uses. Single family residential uses shall not be permitted.

CONDITIONS: DANKOS PROPERTY

- (STAFF/CPC) 1. Master Plan. The Plan prepared by Balzer and Associates, last revised 5/31/02, shall be considered the Master Plan with respect to general location of roads and access. (This condition supersedes Condition 1 of Case 83S0182 for the request property only.)
- (STAFF/CPC) 2. The following uses shall not be permitted:
- a. mobile home in conjunction with a business
 - b. group care facilities
 - c. cocktail lounges, dining halls, and night clubs
 - d. rescue squad and fire station
 - e. automobile service station, exclusive of auto repair
 - f. boarding kennels

Further, the following uses shall be permitted with the stated restrictions:

- a. Hotels, motels or inns provided such uses are located within 300 feet of Hull Street Road;

- b. Convenience store with gasoline sales provided such uses are located within 300 feet of Hull Street Road and Temie Lee Parkway. (P)

(NOTE: This condition modifies Condition 2 of Case 83S182 for the request property only.) (P)

(STAFF/CPC)

3. Architecture.

- a. All buildings shall be compatible in architectural style, colors and materials to the building approved on Tax ID 725-672-9524 and 8118 (commonly known as Walgreen's) and further delineated below. At the time of site plan review, the Planning Commission may modify these requirements provided that the alternative materials, roof line(s), and colors accomplish the intent of the condition.

(1.) The primary building materials shall be brick, not to exceed a size of four (4) inches by four (4) inches by twelve (12) inches. The brick shall be integrally colored. The primary color(s) of each building shall be earth tones, such as browns and tans, substantially similar to those on Tax ID 734-678-9416, 734-677-4677, 735-677-4379 and 8835 (commonly known as the Commonwealth Center Phase 1). No exposed concrete masonry units (CMU) shall be permitted. Mortar shall be similar in color to the brick color. Any accent colors shall be the same or substantially similar to those used on Tax ID 725-672-9524 and 8118 (commonly known as Walgreen's) to create a tone on tone effect. Should glass be a predominant construction material, other than typical window treatments and doors in all or part of a building, it shall be tinted, similar to that utilized in the building located on Tax ID 728-673-4668. (First Va. Bank)

(2.) All visible rooflines shall be no less a pitch than the roofline used on Tax ID 744-697-4324 (Shops at Lucks Lane) and no greater than the roof line used on Tax ID 732-707-4947 (commonly known as Walgreen's at Midlothian Turnpike and Woolridge Rd). All visible roofs shall be standing seam metal and shall be generally the same shade of gray in color.

b. Drive-in Windows and Gasoline Canopies.

With the exception of a convenience store with a free standing canopy over gas pumps, all canopies shall be architecturally incorporated into the buildings which they serve. With the exception of a bank or savings and loan institution, drive-in window(s) shall not be located between any building and Hull Street Road or Temie Lee Parkway unless such window(s) are architecturally incorporated into the building with a wall constructed of the same materials as the building and similar in design to the drive-in window located on Tax ID 732-707-0188 (McDonald's at Midlothian). At the time of site plan review, the Planning Commission may modify this condition if it is determined that an alternative design accomplishes the spirit and intent of the requirements specified herein. (P)

(This condition supersedes Condition 3 of Case 83S182 for the request property only.)

(STAFF/CPC)

4. Parking and Drives Setbacks.

- (a.) All parking and driveways shall be located no closer to Route 360 or Temie Lee Parkway than the building which it serves unless measures such as landscaping, grading or other design features are employed to minimize the visibility of parking areas from such roads. If landscape measures are employed, at a minimum they shall consist of evergreen shrubs of at least two (2) feet in height at the time of planting and spaced to create a continuous hedgerow at maturity. Such hedgerow shall be installed between the roads (Temie Lee Parkway and Route 360) and the parking areas, planted adjacent to those parking areas. These shrubs shall be in addition to required perimeter landscaping which shall be 2.0 times Perimeter Landscaping C, as defined in the Zoning Ordinance.
- (b.) The minimum fifty (50) foot setback requirement of the Zoning Ordinance from Route 360 shall be measured from the ultimate right of way of Route 360. Specifically, the reductions permitted in Section 19-505(e) shall not be permitted with the exception of a convenience store with gasoline sales. The required landscaping within this setback shall be 2.0 times Perimeter Landscaping C, as defined in the Zoning Ordinance.

(This condition supersedes Condition 4 of Case 83S182 for the request property only.)

- (STAFF/CPC) 5. Freestanding Signs – All freestanding signs shall be of a monument style. The shape of these sign faces shall not be a uniform rectangle or square, but rather shall have a shape similar to the sign faces for the out parcels located within Harbour Pointe Shopping Center. The base/structure of each sign shall be constructed in the same materials and colors as the building which it advertises.

(This condition supersedes Condition 5 of Case 83S182 for the request property only.)

- (STAFF/CPC) 6. Access to Route 360 -- Direct access from the property to Route 360 shall be limited to one (1) entrance/exit, as generally shown on the Master Plan. The exact location of this access shall be approved by the Transportation Department.

(This condition supersedes Condition 9 of Case 83S182 for the request property only.)

(NOTE: All previous conditions of Case 83S182 shall remain in effect, except as amended herein.)

PROFFERED CONDITIONS: DANKOS PROPERTY

- (STAFF/CPC) 1. Special Access Street.

Prior to any site plan approval or within sixty (60) days from a written request by the County, whichever occurs first, a fifty (50) foot wide right-of-way for a special access street (the "Special Access Street") shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County from Southshore Drive to the eastern property line as generally shown on the Master Plan. The exact location of this right-of-way shall be approved by the Transportation Department. At time of site plan review, the Transportation Department may modify this condition to allow an access easement, acceptable to the Transportation Department, to be recorded in lieu of dedicating the right-of-way for the Special Access Street. (T)

- (STAFF/CPC) 2. Road Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following:

- a. Construction of an addition lane of pavement along the westbound lanes of Route 360 for the entire property frontage;

- b. Construction of additional pavement along the westbound lanes of Route 360 at the approved access to provide a separate right-turn lane;
- c. Construction of two (2) lanes of the Special Access Street from Temie Lee Parkway to Southshore Drive; and
- d. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvement identified above. (T)

(STAFF/CPC) 3. Road Improvement Phasing. Prior to any site plan approval, a phasing plan for required road improvements, as identified in Proffered Condition 2, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require the construction of the Special Access Street, as identified in Proffered Condition 2.(c.) in conjunction with the initial development on the property. (T)

(STAFF/CPC) 4. Uses permitted to operate 24 hours per day shall be limited to the following:

- a. Convenience stores with or without gasoline sales
- b. Hotels, motels or inns provided they are located within 300 feet of Rt. 360.
- c. Medical Office
- d. Banks, savings & loan associations, and/or automatic teller machines
- e. Veterinary hospitals or Clinics (P)

GENERAL INFORMATION

Location:

North line of Hull Street Road, across from North Spring Run Road and Chital Drive. Tax IDs 724-672-Part of 9216, 725-672-Part of 1175 and 726-672-Part of 1039 (Sheet 15).

Existing Zoning:

A, C-2 and C-2 with Conditional Use Planned Development

Size:

37 acres

Existing Land Use:

Single family dwellings or vacant

Adjacent Zoning and Land Use:

North - R-12; Vacant

South - C-2 and C-3; Commercial or vacant

East - R-7 with Conditional Use Planned Development and R-7; Single family residential, public/semi public (Clover Hill High School) or vacant

West - C-2 with Conditional Use Planned Development, C-3 and R-9 with Conditional Use Planned Development; Commercial, single family residential or vacant

UTILITIES

Public Water System:

Bottoms Property:

There is an existing twenty-four (24) inch water line extending along the north side of Hull Street Road, adjacent to the request site. In addition, there is an existing eight (8) inch water line along St. Elizabeth Drive, which terminates adjacent to the southwestern boundary of this site, approximately 200 feet west of the proposed commercial/office development, and an existing eight (8) inch water line along Harbour Point Road, which terminates adjacent to the northeastern boundary of the request site, approximately 700 feet northwest of the proposed commercial/office development. Use of the public water system is intended for the commercial and office development and has been proffered (Proffered Condition B.8.). Internal looping of adequately sized water lines to connect Harbour Point Road, St. Elizabeth Drive and Hull Street Road will be required with the development of the request site.

Preliminary investigations of the water pressure in this area indicate that high domestic water pressure can be expected in that portion of the request site with elevations less than 225 feet. Individual pressure regulators may be necessary on water service lines.

Dankos Property:

The property is connected to the public water system. Use of the public water system is required by County Code.

Public Wastewater System:

Bottoms Property:

There is an existing eight (8) inch wastewater collector line, approximately 200 feet north of Harbour Point Road and serving the existing Lands End Subdivision. This existing collector line terminates adjacent to the northeastern boundary of the request site, approximately 1,000

feet northwest of the proposed commercial/office development. Use of the public wastewater system is intended for the commercial and office development and has been proffered. (Proffered Condition B.8.)

Dankos Property:

This property is connected to the public wastewater system. Use of the public wastewater system is required by County Code.

ENVIRONMENTAL

Drainage and Erosion:

Bottoms Property:

The property is within several hundred feet of Swift Creek Reservoir and drains entirely into the reservoir through two (2) outfalls. The majority of the eastern property line is the centerline of the stream which is adjacent to Clover Hill High School. The existing stream shows signs of natural degradation. Currently, there are no known existing on-site drainage or erosion problems.

With the exception of timbering that has been approved by the Department of Forestry to remove dead or diseased trees, there will be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved measures are installed. This will insure that proper erosion control measures are in place prior to any timbering and related land disturbance. Further, to prevent the premature clearing, grading or timbering of property adjacent to existing residential neighborhoods, a site plan must be approved prior to the clearing of any specific site within the office and agricultural tracts, with the exception of utility extensions outside of the purview of site plan approval. (Condition A.4.)

Water Quality:

Bottoms Property:

Development must conform to the Ordinance requirements for property located with the Upper Swift Creek watershed. Clover Hill High School, which was constructed approximately twenty-five (25) years ago, has the majority of its old impervious area draining directly into Swift Creek Reservoir with no water quality features for removal of pollutants. Condition A.3.a. requires that a single BMP be designed and constructed to accommodate runoff from the subject property as well as Clover Hill High School. This BMP, or an alternative water quality system as approved by the Planning Commission, will improve existing water quality and allow for future development of both properties.

The conditions require that the BMP(s) that are located in any commercial, agricultural or office tracts be designed as wet ponds and be landscaped or otherwise improved, as a visual amenity for uses developed on the property. (Condition A.2.)

PUBLIC FACILITIES

Fire Service:

Bottoms and Dankos Property:

These properties are currently served by the Clover Hill Fire/Rescue Station, Company Number 7 and Manchester Rescue Squad. When the property is developed, the number of hydrants and quantity of water needed for fire protection will be evaluated during the plans review process.

Schools:

Bottoms Property:

Conditions provide for the construction of a BMP designed to serve both this development as well as the Clover Hill High School complex (Condition A.3.a.). This BMP as well as a tree save area north of the facility will also serve several schools as a teaching facility for the purpose of studying water quality monitoring techniques associated with the Swift Creek Reservoir (Conditions A.3.b.(1.) and (2.)). Conditions address right of way dedication to improve the existing Route 360 access to Clover Hill High School (Condition A.5.). Further, the provision of a pedestrian/driveway connection from the school through this project will enable the routing of school traffic to a controlled intersection at Route 360 and Temie Lee Parkway to be used at the school's discretion (Condition A.6.). The School Board views these improvements and dedications as an excellent way of providing additional opportunities for educational programs for local schools as well as improving the access to Clover Hill High School. Further, the construction of a shared BMP will assist the County in addressing water quality requirements with future development on the Clover Hill High School property. With the future relocation of Clover Hill High School, the School Board continues to view these improvements as both pertinent and beneficial for the future use of the property as a middle school.

Transportation:

These developments will have a direct impact on Hull Street Road (Route 360). The 2001 traffic volumes along the section of Route 360 from Woodlake Parkway to Route 288 range from 44,000 to 61,000 vehicles per day. These volumes exceed the capacity of the road, and drivers experience extreme congestion especially during peak periods. The Virginia Department of Transportation Six-Year Improvement Program did include a project to widen Route 360 to six (6) and eight (8) lanes from Swift Creek to Winterpock Road. Part of the project, improvements to the Swift Creek Bridge, is funded and is currently underway.

However, due to State budgetary shortfalls, no construction funds have been allocated to complete the balance of this project.

Bottoms Property:

The Master Plan identifies the two (2) different areas where the applicant is requesting commercial (C-2), and office (O-2) uses. This request will not limit development of the commercial or office tracts to specific land uses; therefore, it is difficult to anticipate traffic generation. Based on general office and shopping center trip rates, development could generate approximately 8,440 average daily trips.

The Thoroughfare Plan identifies Route 360 as a major arterial with a recommended right of way width of 120 to 200 feet. One-hundred feet of right of way, measured from the centerline of Route 360, should be dedicated in accordance with that Plan. (Condition A.7.)

A 3.3 acre parcel that fronts Route 360 and that is surrounded by the subject property has been developed as a drug store (Walgreens). As part of that development, a public road ("Temie Lee Parkway") was constructed from Route 360 through that parcel to the subject property. Right of way for a special access street ("the Special Access Street") should be dedicated parallel to Route 360 from Temie Lee Parkway to the western boundary of the subject property (Condition A.9.). This access will ultimately extend to Southshore Drive, and serve existing and future developments on adjacent properties, as well as serving development of the subject property. The condition permits the Transportation Department to modify this condition by allowing the Special Access Street (i.e., public road) to be developed as a private road with recordation of appropriate access easements. The Transportation Department continues to recommend that this road be constructed as a public road.

Development must adhere to the Development Standards Manual in the Zoning Ordinance relative to access and internal circulation (Division 5). Access to major arterials, such as Route 360, should be controlled. No direct access should be provided from the property to Route 360 (Proffered Condition A.8.). Access to Route 360 for the subject property will be provided through the Wallgreens' parcel via Temie Lee Parkway and the existing right-turn-in/right-turn-out only entrance/exit, located just east of the Temie Lee Parkway intersection.

Mitigating road improvements must be provided to address the traffic impact of this development. The road improvements should include: 1) construction of additional pavement along the westbound lanes of Route 360 at the existing access located just east of the Temie Lee Parkway intersection to provide a separate right turn lane; 2) construction of additional pavement along eastbound lanes of Route 360 at the Temie Lee Parkway intersection to provide dual left turn lanes; 3) construction of a two (2) lane roadway for the Special Access Street from Temie Lee Parkway to the western property line; 4) construction of additional pavement along Temie Lee Parkway from Route 360 to the Special Access Street to provide a five (5) lane typical section (i.e., three (3) southbound lanes and two (2) northbound lanes); 5) construction of a two (2) lane roadway for Temie Lee Parkway through the property; and 6) provision of full cost for the installation or modification of a

traffic signal at the Temie Lee Parkway/North Spring Run Road/Route 360 intersection, if warranted (Condition A.10.). The Special Access Street should be constructed from Temie Lee Parkway to the western property line with initial development on the property. (Condition A.11.)

At time of site plan review specific recommendations will be provided regarding access and internal circulation.

Dankos Property:

In 1984, the Board of Supervisors approved a rezoning request (Case 83S182) on forty-two (42) acres, located on the north side of Hull Street Road (Route 360) between the Spring Run Road and Winterpock Road intersections, for development of a mixed-use project. As part of that zoning approval, the Board imposed several transportation related conditions that included right of way dedication, access control and construction of road improvements. Some of the required road improvements have been addressed with partial development of the project. The subject property is part of that project and is currently undeveloped.

The applicant is requesting that several conditions of the original zoning be modified or deleted. The applicant is specifically requesting modification to a condition of the original zoning (Condition 2), to allow modification of the permitted uses on the property. This request will not limit development to specific land uses; therefore, it is difficult to anticipate traffic generation. Based on shopping center trip rates, development could generate approximately 4,800 average daily trips.

The applicant is also requesting modification to a condition of the original zoning (Condition 9), to allow additional access to Route 360. In conjunction with development of the project, a public road (i.e., Southshore Drive) was constructed onto Route 360. Condition 9 limits access to Route 360 via Southshore Drive. The Transportation Department supports the applicant's request for an additional access to Route 360, as generally shown on the Master Plan. This access will be limited to right-turn-in/right-turn-out only.

The applicant has proffered to dedicate right of way for a Special Access Street ("the Special Access Street") from Southshore Drive to the eastern boundary of the subject property (Proffered Condition 1). This access will be extended to Temie Lee Parkway, and serve existing and future developments on adjacent properties, as well as serving development of the subject property. The proffer permits the Transportation Department to modify this condition by allowing the Special Access Street (i.e., public road) to be developed as a private road with recordation of appropriate access easements. The Transportation Department continues to recommend that this road be constructed as a public road.

Mitigating road improvements must be provided to address the traffic impact of this development. The applicant has proffered to: 1) construct an additional lane of pavement along Route 360 for the entire property frontage; 2) construct additional pavement along Route 360 at the approved right-turn-in/right-turn-out access to provide a separate right turn lane; and 3) construct a two (2) lane roadway for the Special Access Street from Southshore

Drive to Temie Lee Parkway (Proffered Condition 3). The applicant has also proffered to construct the Special Access Street from Southshore Drive to Temie Lee Parkway with initial development on the property. (Proffered Condition 3)

At time of site plan review, specific recommendations will be provided regarding access and internal circulation.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the southern portion of the property is appropriate for a mix of uses to include corporate office, community scale commercial and residential development with densities of eight (8) to fourteen (14) units per acre. The Plan suggests the northern portion of the property extending from the community mixed use area to the Swift Creek Reservoir is appropriate for residential development of 2.0 dwelling units per acre or less.

One of the goals of the Plan is to provide transitional land uses between dissimilar uses, usually within the area designated for the more intense use. These transitional land uses should be of an intermediate intensity between the differing designations so as to avoid abrupt shifts to neighboring land uses. The subject property is located at the eastern edge of a community mixed use area that is focused around the Winterpock/Spring Run Road intersections with Route 360. Development on the subject property should accommodate the proper land use transitions to both the north and east.

Area Development Trends:

The majority of area properties to the north, northeast and northwest of the subject parcels are currently zoned residential and are developed for single family residential uses or are vacant. Property to the west is zoned and developed for commercial use. Property to the east is zoned residential and is occupied by Clover Hill High School. Both developed and vacant commercially-zoned properties are located south of Route 360.

As previously noted, the Plan supports a mixture of office, community commercial and residential uses with densities from eight (8) to fourteen (14) units per acre transitioning to single family residential uses of 2.0 units to the acre or less to the north and east. It is anticipated that development of the subject property will provide the suitable land use transitions and access coordination with adjacent properties, thereby enhancing a coordinated development pattern along this portion of the Route 360 Corridor.

Zoning History:

Bottoms Property:

On July 26, 2000, the Board of Supervisors, upon favorable recommendation by the Planning Commission, approved rezoning from Agricultural (A) to Neighborhood Business (C-2) plus proffered conditions on an existing zoned Neighborhood Business (C-2) tract all with Conditional Use Planned Development, on a 3.3 acre portion of the original parent tract shared by the subject property (Case 99SN0309; proposed Walgreens). The proffered conditions resulting from this case were intended to set the standard for development of the subject property relative to quality design controls. Similar proffered conditions addressing items such as architecture, uses and hours, access coordination, sidewalks and signage have been incorporated into this request.

Dankos Property:

On March 28, 1984, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved rezoning of a 41.5 acre tract from Agricultural (A) to Residential (R-9) and General Business (B-3) with Conditional Use Planned Development (Case 83S182). A mixed use development to include commercial and residential uses was proposed. Subsequent to approval of this case, the property was developed for Southshore and St. Clair Subdivisions and a restaurant (Aunt Sarah's). The subject property represents a portion of property affected by this case.

Site Design:

Bottoms Property:

The Master Plan submitted as part of this request depicts the general location of uses, roads and the BMP. The two (2) proposed zoning districts of Neighborhood Commercial (C-2) and Corporate Office (O-2) are divided into several tracts. Conditions refer to these tract designations with respect to applicable use, bulk and design standards. Tracts may be combined or adjusted with certain limitations (Condition A.13.). These conditions further enhance the development, provide compatibility with adjoining land uses and accomplish proper land use transitions.

The request property lies within an Emerging Growth Area. In addition to the numerous conditions, new construction must conform to the requirements of the Zoning Ordinance which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

In addition to these requirements, the conditions further enhance the development and insure that the entrance (Temie Lee Parkway) to future and existing residential neighborhoods is developed with high quality standards (Condition B.4.). Conditions address enhanced landscaping and setbacks along Route 360 and Temie Lee Parkway (Condition B.2.). Provisions have, however, been made for setback exceptions along Temie Lee Parkway only

for the purpose of accommodating the road alignment and the construction of patios for outdoor cafe use (Condition B.6.). If these setback exceptions are sought, site plans must be approved by the Planning Commission. To the extent permitted by the County Code and the Code of Virginia, Condition B.6. would not permit exceptions, except as allowed through this application, to the Emerging Growth District standards without a future zoning amendment.

Dankos Property:

Amendments are requested to several conditions of Case 83S182 to promote compatibility between this development and that of the adjacent Bottoms property. Specifically, an amendment to Condition 1 of Case 83S182 is requested to permit the approved Master Plan to be replaced with the submitted Master Plan, which depicts the general location of roads and access. (Condition 1)

Condition 4 of Case 83S182 required that parking areas be located north of structures and provided for minimum landscaping requirements within these parking areas. An amendment is requested to Condition 4 to address enhanced landscaping and setbacks along Route 360 for buildings, parking and drives that are consistent with those applied to the Bottoms Property to promote a coordinated streetscape along Hull Street Road. Further, with deletion of this condition, landscaping within parking areas would follow current Ordinance standards, which provide for a greater degree of landscaping. (Condition 4).

Proffered conditions have been submitted to further enhance the development and to promote a project that is visually coordinated and compatible with development of the adjoining Bottoms Property.

Sidewalks:

Bottoms Property:

To enhance pedestrian accessibility to existing and future residential neighborhoods, commercial and office development, a sidewalk system is proposed along both sides of Temie Lee Parkway as well as throughout the project to connect these various uses to the Temie Lee Parkway sidewalk system (Proffered Condition A.1.). A combined pedestrian and driveway connection is also proposed to the east, connecting the project to Clover Hill High School. (Condition A.6.)

Uses and Hours:

Bottoms Property:

In response to concerns relative to providing appropriate land use transitions along the eastern boundary in accordance with recommendations of the Plan, conditions have been recommended (Condition C.5.). Except as limited by this proffer, all Neighborhood Business (C-2) uses would be permitted on Tracts A, B and D through I. Tract C would be restricted

to Convenience Business (C-1) uses adjacent to Clover Hill High School. In addition, conditions allow for an exception to permit a fast food restaurant on Tract B (Condition C.6.). To minimize the impact of commercial development on Tract L residential development on Tract L as well as surrounding area, conditions address hours of operation on all commercial tracts. (Condition C.4.)

Uses permitted in the Corporate Office (O-2) tracts (Tracts J and K) would follow Zoning Ordinance requirements.

Uses permitted in the Agricultural (A) tract (Tract L) would follow Zoning Ordinance requirements except that single family residential uses would not be permitted. This would eliminate the possibility of recording lots fronting along the extension of Temie Lee Parkway and St. Elizabeth Drive outside the purview of the subdivision process. (Condition E.1.)

Dankos Property:

With the approval of Case 83S182, uses were restricted to those permitted in the B-1 District plus several uses permitted in the B-2 and B-3 Districts. There are currently no limitations on hours of operation for uses on this property. In response to area residents' concerns, the applicant has requested amendment of this Condition 2 to further restrict these permitted uses (Condition 2). In addition, Proffered Condition 4 limits the number of uses that may operate twenty-four (24) hours per day.

Construction of Office and Commercial Uses:

Bottoms Property:

To ensure that future pressures to construct commercial uses in the office tracts are minimized, proffered conditions would limit the issuance of certificates of occupancy for commercial uses to a cumulative total of 50,000 gross square feet until certificates of occupancy have been granted on the office tracts (Tracts J and K) (Proffered Condition C.3.). Further, to facilitate traffic movements from existing residential development to the west, to the proposed signalized intersection at Route 360 and Temie Lee Parkway, no building permit for more than 50,000 gross square feet of office and commercial development may be issued until traffic movements are accommodated between Southshore Drive through the subject property to Hull Street Road. (Condition B.7.)

Signs for Commercial and Office Tracts:

Bottoms Property:

Since the adjacent Walgreen's development will eventually be incorporated into the development of the subject property, the proffers for the design of freestanding signs within the commercial tracts are consistent with those applicable to Walgreen's. (Proffered Condition C.7.)

Dankos Property:

Condition 5 of Case 83S182 requires sign package approval by the Planning Commission. An amendment to this condition is requested to require the design of freestanding signs to be consistent with those proffered for the Bottoms property. All signs would conform to the requirements of the Ordinance. (Condition 5)

Architectural Treatment and Lighting for Commercial and Office Tracts:

Bottoms Property:

In addition to the requirements for Emerging Growth Areas, conditions require that buildings in the commercial and office tracts be compatible in architectural style, colors and materials to the building approved on the adjacent tract (Tax ID 725-672-9524 and 8118 and commonly known as Walgreens) as detailed in these conditions (Condition B.1.). Further, Conditions C.1., C.2. and D.1. restrict the square footage of buildings and uses in the commercial tracts and the height of buildings in the commercial and office tracts. Except for Tract A, the height and intensity of the proposed parking lot lighting would be reduced as development occurs closer to the residential areas, and building-mounted light fixtures in the office tracts would not be located within 100 feet of any residentially-zoned property, excluding Clover Hill High School, or within 100 feet of Tract L (Conditions B.3. and D.2.). Lighting for Tract A would follow Ordinance requirements. These limitations provide transitions in scale between the proposed commercial and office uses and the existing and future residential uses located to the north and northeast of these non-residential tracts. Conditions also address the treatment of drive-thru and gasoline canopies and the location of drive-in windows. (Proffered Condition B.1.c.)

Dankos Property:

Condition 3 of Case 83S182 requires that development be oriented away from Hull Street Road, with rear and side facades of buildings that are visible from a public road having an appearance similar to the front facades. Loading areas are required to be screened from view of adjacent properties and public roads. An amendment is requested to this condition to require that buildings be compatible in architectural style, colors and materials to the building approved on the adjacent tract (Tax ID 725-672-9524 and 8118 and commonly known as Walgreens), consistent with proposed development on the Bottoms Property (Condition 3). Loading areas would continue to be screened from view of the adjacent residential property to the north and from any public rights of way, consistent with Ordinance standards.

Buffers and Screening for Commercial and Office Tracts:

Bottoms Property:

Currently, the Zoning Ordinance requires that sites must be designed and buildings oriented so that loading areas are screened from any property where loading areas are prohibited and

from public rights of way. To enhance the proposed entrance to this development as well as to the existing residential communities to be served by this road, proffered conditions restrict the location of loading areas between the buildings and Temie Lee Parkway, with buildings along this road employing the same architectural treatment, color and materials on all four (4) sides. The Planning Commission may modify this proffer at the time of site plan review subject to specified criteria. (Condition B.1.b.)

Adjacent property to the east is zoned Residential (R-7) and is occupied by a public/semi public use (Clover Hill High School) or single family dwellings. A fifty (50) foot buffer, inclusive of certain site improvements, is proposed along this eastern boundary, adjacent to the school. The Planning Commission will determine the exact treatment of this buffer at the time of site plan review for the affected area. (Condition B.5.)

A portion of the agricultural tract (Tract L) abuts an existing residential subdivision to the east (Lands End). Currently, the Zoning Ordinance does not require the provision of a buffer between agricultural and single family residential districts; however, conditions provide for a fifty (50) foot easement abutting this adjacent subdivision, within which measures will be taken to minimize tree removal as part of a water quality teaching area. (Condition A.3.b.(1.)).

The Plan suggests that Tract L is appropriate for residential development. Therefore, buffers are required between office uses and Tract L in accordance with Zoning Ordinance requirements.

CONCLUSIONS

This proposal conforms to the Upper Swift Creek Plan which suggests that the southern portion of the property is appropriate for a mix of uses to include corporate office, community scale commercial and residential development with densities of eight (8) to fourteen (14) units per acre. The Plan suggests the northern portion of the property extending from the community mixed use area to the Swift Creek Reservoir is appropriate for residential development of 2.0 dwelling units per acre or less.

The property is located on the periphery of the community mixed use designation. The requested zoning accomplishes a proper land use transition to the east. The proffered conditions establish standards that will result in a quality development and enhance the entrance into future and existing residential neighborhoods. The proffered conditions further address issues related to, but not limited to, the phasing of development; limitation on commercial uses and associated hours of operation; architectural controls; and access coordination with adjacent properties. Many of these proffers resulted from concerns expressed by area residents and property owners in meetings with the County and the subject property owners. Further, the proposed amendments to Case 83S0182 (Dankos Property) promote development that is both coordinated and compatible with the proposed adjacent rezoning to the east. (Bottoms Property)

Given these considerations, approval of this request is recommended.

CASE HISTORY

Planning Commission Meeting (11/16/00):

On their own motion, the Commission deferred this case to January 16, 2001.

Staff (11/17/00):

The property owners were advised in writing that any significant new or revised information should be submitted no later than November 27, 2000, for consideration at the Commission's January 16, 2001, public hearing.

Staff (12/22/00):

To date, no new information has been submitted.

Planning Commission Meeting (1/16/01):

At the request of the applicant, the Commission deferred this case to March 20, 2001. The property owners agreed to this deferral.

Staff (1/17/01):

The property owners were advised in writing that any significant new or revised information should be submitted no later than January 23, 2001, for consideration at the Commission's March 20, 2001, public hearing.

Staff (3/1/01):

To date, no new information has been submitted.

Planning Commission Meeting (3/20/01):

At the request of the applicant, the Commission deferred this case to June 19, 2001. The property owners agreed to this deferral.

Staff (3/21/01):

The property owners were advised in writing that any significant new or revised information should be submitted no later than April 16, 2001, for consideration at the Commission's June 19, 2001, public hearing.

Staff (5/24/01):

To date, no new information has been submitted.

Planning Commission Meeting (6/19/01):

At the request of the applicant, the Commission deferred this case to September 18, 2001. The property owners agreed to this deferral.

Staff (6/20/01):

The property owners were advised in writing that any significant new or revised information should be submitted no later than July 16, 2001, for consideration at the Commission's September 18, 2001, public hearing.

Staff (8/28/01):

To date, no new information has been submitted.

Planning Commission Meeting (9/18/01):

At the request of the applicant, the Commission deferred this case to December 18, 2001. The property owners agreed to this deferral.

Staff (9/19/01):

The property owners were advised in writing that any new or revised information should be submitted no later than October 15, 2001, for consideration at the Commission's December 18, 2001, public hearing.

Property Owners, Staff, Adjacent Property Owner and Clover Hill District Commissioner (10/2/01):

A meeting was held to discuss the coordination of development between the subject property and that of an adjacent commercially-zoned property to the west.

Items discussed included uses, access, signage and site design. It was generally agreed that the adjacent property owner would explore the possibility of a zoning amendment on this adjacent parcel in an effort to encourage uniformity of development among the two (2) parcels.

Staff (11/27/01):

To date, no new information has been submitted.

Planning Commission Meeting (12/18/01):

At the request of the applicant, the Commission deferred this case to March 19, 2002. The property owners agreed to this deferral.

Staff (12/19/01):

The property owners were advised in writing that any new or revised information should be submitted no later than January 14, 2002, for consideration at the Commission's March 19, 2002, public hearing.

Property Owners, Staff, Adjacent Property Owner, Area Residents and Clover Hill District Commissioner (2/20/02):

A meeting was held to further discuss the coordination of development between the subject property and that of an adjacent commercially-zoned property to the west.

Board of Supervisors (2/27/02):

The Board authorized the property owner of the adjacent commercially-zoned property to the west to be a co-applicant and to include that adjacent property in the request.

Property Owner (3/18/02):

The application was amended to include the adjacent property as authorized by the Board of Supervisors.

Planning Commission Meeting (3/19/02):

At the request of the applicant, the Commission deferred this case to June 18, 2002. The property owners agreed to this deferral

Staff (3/27/02):

The property owners were advised in writing that any new or revised information should be submitted no later than April 15, 2002, for consideration at the Commission's June 18, 2002, public hearing.

Property Owners (6/3/02, 6/6/02 and 6/17/02):

Revised proffered conditions were submitted.

Planning Commission Meeting (6/18/02):

At the request of the applicant, the Commission deferred this case to September 17, 2002. The property owners agreed to this deferral.

Staff (6/19/02):

The property owners were advised in writing that any new or revised information should be submitted no later than July 10, 2002, for consideration at the Commission's September 17, 2002, public hearing.

Property Owners, Staff and Clover Hill District Commissioner (8/26/02):

A meeting was held to discuss amending the application to exclude the residential portion of the request. The property owners' representative indicated a deferral would be in order.

Planning Commission Meeting (9/17/02):

At the request of the applicant, the Commission deferred this case to October 15, 2002. The property owners agreed to this deferral.

Staff (9/18/02):

The property owners were advised in writing that any new or revised information should be submitted no later than September 23, 2002, for consideration at the Commission's October 15, 2002, public hearing.

Board of Supervisors Meeting (9/18/02):

The Board authorized the amendment of the application to exclude the residential portion of the request.

Property Owners (Bottoms Property) (9/27/02):

The property owners withdrew all proffered conditions applicable to that portion of the subject property known as the Bottoms Property.

Planning Commission Meeting (10/15/02):

The property owners and applicant accepted the recommendation. There was no opposition present.

Mr. Litton expressed concern relative to rollback taxes on the Board-initiated portion of the request (Bottom's Property).

Mr. Gulley noted that this case had been debated and refined for over two (2) years; that several conditions will benefit the adjacent school with respect to improved access and BMP construction; that the applicant represented a coordinated development with adjacent commercial and residential projects; and that the rollback taxes are only being deferred consistent with other Board-initiated cases.

On motion of Mr. Gulley, seconded by Mr. Cunningham, the Commission recommended approval of this request subject to the conditions and acceptance of the proffered conditions on pages 2 through 15.

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.

NAY: Mr. Litton

Property Owners, Staff and Clover Hill District Commissioner (10/21/02):

A meeting was held to clarify the impact of conditions relative to timbering (Condition A.4.); dual left turn lanes at the Temie Lee Parkway/Hull Street Road intersection (Condition A.10.b.); and prohibition of single family residential uses in the Agricultural (A) tract. (Condition E.1.)

Board of Supervisors' Meeting (11/26/02):

On their own motion, the Board deferred this request to December 18, 2002.

Staff (11/27/02):

The property owners were advised to submit any new or revised information no later than December 2, 2002, for consideration at the Board's December public hearing.

Staff (12/2/02):

To date, no new information has been received.

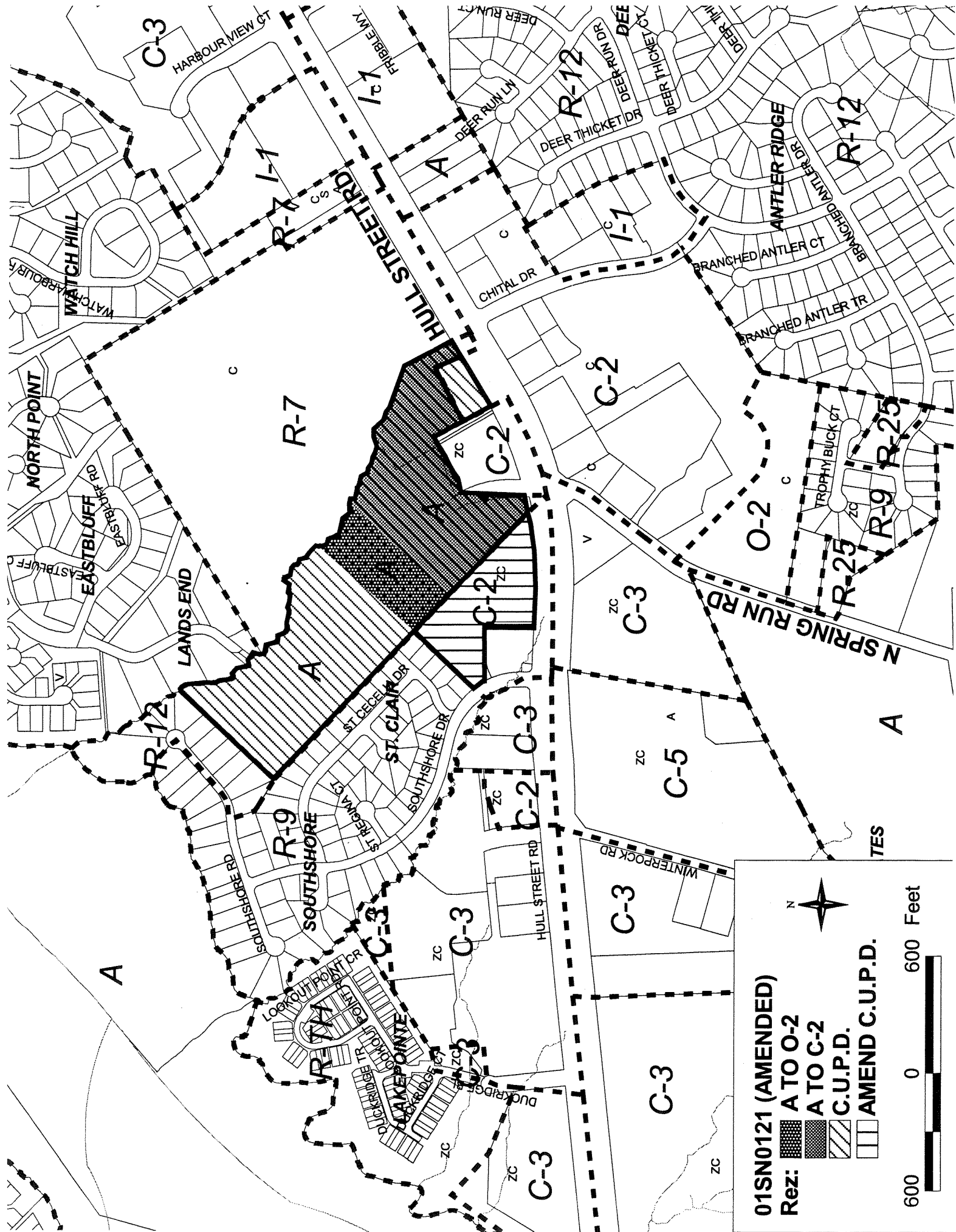
Board of Supervisors' Meeting (12/18/02):

On their own motion, the Board deferred this request to February 26, 2003.

Property Owners (Bottoms Tract), Adjacent Property Owner, Staff, Clover Hill District Board Member and Planning Commissioner (2/11/03):

A meeting was held to clarify the property owners' concerns relative to restrictions related to the agricultural portion of the request. Specifically, the property owners disagreed with proposed Condition A.4. and E. for the Bottoms Tract which restrict timbering and preclude the development of single family residences on the agricultural property included in the application.

The Board of Supervisors, on Wednesday, February 26, 2003, beginning at 7:00 p.m., will take under consideration this request.



01SN0121 (AMENDED)

Rez:



A TO O-2



A TO C-2

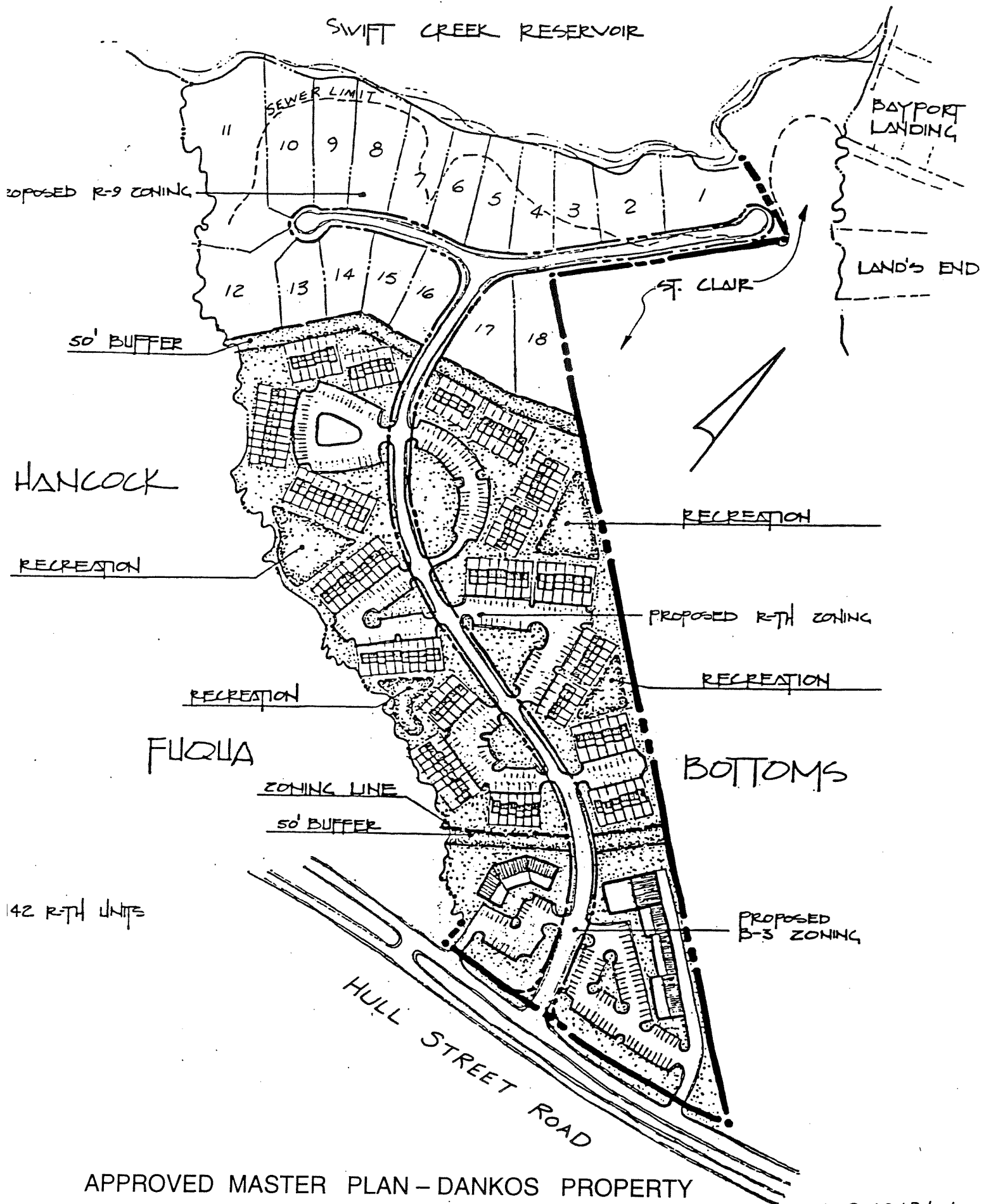


C.U.P.D.



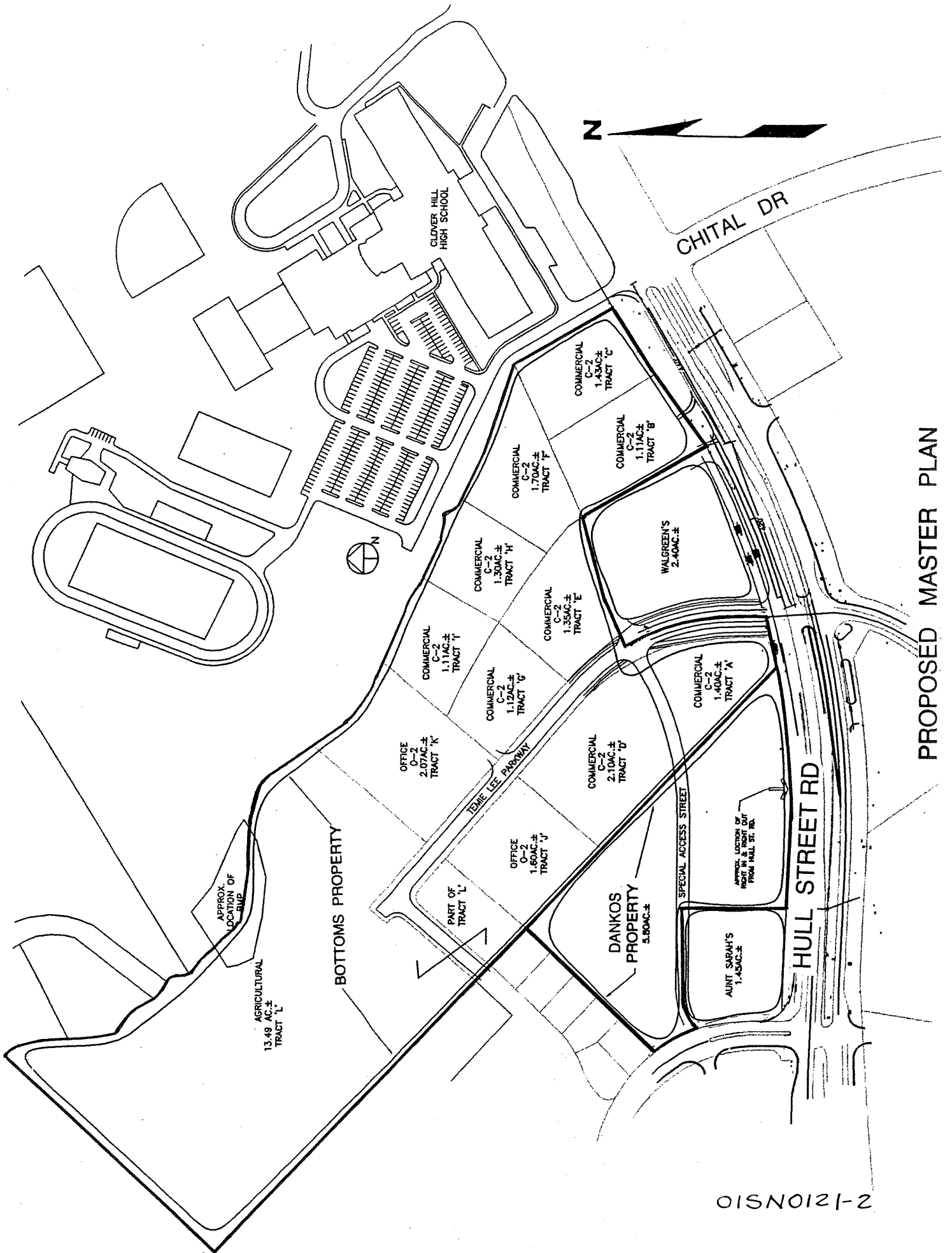
AMEND C.U.P.D.





APPROVED MASTER PLAN - DANKOS PROPERTY

OISNO121-1



PROPOSED MASTER PLAN

01SNO121-2